

Entered - 05/01/01 - sb
CL01L0273 - DIANNE C. MITCHELL

CLAIM OF: **WINFRED PRICE,**
through her attorney,
James G. Stewart
1497 John Robert Drive
Suite C
Morrow, Georgia 30260


01- p-1022

For damages alleged to have been sustained as a result of a vehicular accident on April 10, 2001 at McDonough Boulevard and Newtown Circle.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WINFRED PRICE, through her attorney, James G. Stewart** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on April 10, 2001 at McDonough Boulevard and Newtown Circle as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0273

Date: June 27, 2001

Claimant /Victim WINFRED PRICE
BY: (Atty.) James G. Stewart
Address: 1497 John Robert Drive, Suite C, Morrow, Georgia 30260
Subrogation: Claim for Property damage \$ Bodily Injury \$ **9,000.00**
Date of Notice: 04/20/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 04/10/01 Place: McDonough Boulevard and Newtown Circle
Department Public Works Division: Solid Waste Services
Employee involved Kimberlie T. James Disciplinary Action: Dismissed

NATURE OF CLAIM: The driver of the City vehicle was following too closely and rear ended the vehicle in which the claimant was riding causing her to be injured.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver X Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ **2,000.00** Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager:  Concur/date 06-26-01
Committee Action: Council Action

ROBERT D. STEIN
JAMES G. STEWART, P.C.
OF COUNSEL
ATTORNEYS AT LAW
1497 JOHN ROBERT DRIVE
SUITE C
MORROW, GEORGIA 30260
(770) 961-1700 • FAX (770) 961-1638

Mitchell
04/30/01
DM

April 18, 2001

ENTERED - 5-1-01 - SB
01L0273 - DIANNE MITCHELL

City of Atlanta
Municipal Court
55 Trinity Avenue, SW
Atlanta, GA 30335

Attn: Law Dept.

Re: Our Clients: Rhoda Jackson-Reynolds; Henry Jackson & Winfred Price
Your Insured: CrainCarrier Dumpster (see attached police report)

Dear Sir/Madam:

As per our telephone conversation with your office of today, this is to advise you that I have been retained by the above referenced clients to represent them in resolving all matters of damages resulting from an automobile collision with your insured on 4/10/01.

Enclosed please find a copy of the Police Accident Report which clearly establishes liability on the part of your insured, as well as a letter requesting policy coverage on your insured.

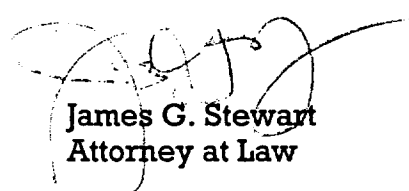
Permission is hereby given for negotiations with our client, without representation, for Property Damage only.

Our clients are still under Doctor's care and I will forward medical bills and reports as they become available.

If I can be of any assistance to you, please do not hesitate to contact me at the above address or telephone number.

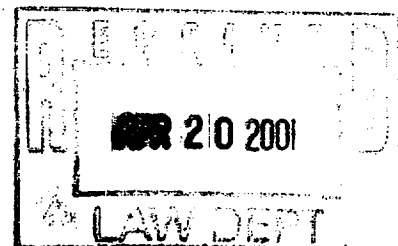
Your cooperation is appreciated.

Respectfully,


James G. Stewart
Attorney at Law

JGS/so

Enclosure



GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0273

\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND AND NO/100
DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to Kimberlie T. James, from any and
all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for
or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident
which occurred on or about the 10th day of April, 2001,

at or near McDonough Boulevard and Newtown Circle

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 27 day of June, 2001.

Winfred Price Jr

(LS)
WINFRED PRICE

James G. Stewart

(LS)
JAMES G. STEWART, ATTORNEY AT LAW

The above release was read and explained to, and signed by the said Winfred Price

in our presence on the date above written.

Chris L...
Don Mc...

Witnesses

01-p-1022